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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)	MM Docket No. 93-89
)	
AURIO A. MATOS)	File No. BPH-911114MS
)	
LLOYD SANTIAGO-SANTOS and LOURDES)	
RODRIGUES BONET)	File No. BPH-911115MP
)	
For Construction Permit for a New)	
FM Station on Channel 293A in)	
Culebra, Puerto Rico)	

To: The Review Board

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FURTHER AMENDMENT TO
JOINT REQUEST FOR APPROVAL OF
SETTLEMENT AGREEMENT

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Aurio A. Matos ("Matos") and Lloyd Santiago-Santos and Lourdes Rodrigues-Bonet ("Santiago and Rodrigues"), by their attorneys and pursuant to Section 73.3523 of the Commission's Rules, hereby respectfully submit this Further Amendment of Joint Request for Approval of Settlement Agreement. Attached hereto is an Amendment to Settlement Agreement (the "Amendment") that the parties initially filed with the FCC on March 8, 1994.

The instant Amendment is being offered pursuant to conversations with members of the FCC's Hearing Branch (the "Branch"). The Branch indicated that it would not support the Settlement Agreement if the Agreement was contingent upon grant of both Matos' February 1994 amendment proposing a new tower site and his May 1994 amendment proposing a reduction of tower height at the same site to satisfy the conditions of the FAA's determination of no hazard.

To assuage the Branch's concern, the parties have agreed to slightly modify the language of the Settlement Agreement. Instead

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of acceptance of both amendments as a condition precedent to the consummation of the settlement ¹, the Amendment to Settlement Agreement proffered as Exhibit A hereto makes consummation of the settlement

contingent upon the grant of Matos' application (BPH-911114MS) as amended to specify a new site on February 7, 1994, and as further amended on May 23, 1994, to conform to the tower height approved by the Federal Aviation Administration.

The Branch advised counsel this amendment was necessary in order to allow it to comment favorably on the Amendment to Joint Request for Approval of Settlement Agreement filed February 6, 1995. In light of that fact, counsel has agreed to allow the Branch ten days from the submission of this Amendment in which to file consolidated comments on the February 6, 1995 Amendment to Joint Request and the instant Further Amendment.


Additionally, this Further Amendment includes submission of evidence of additional legal expenses incurred in December 1994 and January 1995 by Santiago and Rodrigues since their original submission of legitimate and prudent expenses were filed with the Commission. See Exhibit B.

WHEREFORE, the undersigned respectfully request (1) that the Joint Request for Approval of Settlement as amended be granted; (2) that the Branch's January 28, 1994 Motion to Reopen the Record and Enlarge the Issues be denied; (3) that the Santiago and Rodrigues

¹ See Amendment to Settlement Agreement filed as Exhibit A to Response to Comments of Mass Media Bureau on August 22, 1994.


application be dismissed; and (4) that Matos' application, as amended on February 7, 1994, and further amended on May 23, 1994, be granted.

Respectfully submitted,



Audrey P. Rasmussen
David L. Hill
O'CONNOR & HANNAN
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006

Counsel for Lloyd Santiago-Santos &
Lourdes Rodrigues-Bonet



Scott C. Cinnamon
BROWN NIETERT & KAUFMAN
1920 N Street, N.W.
Suite 660
Washington, D.C. 20036

Counsel for Aurio A. Matos

Date: February 15, 1995

AMENDMENT TO SETTLEMENT AGREEMENT

THIS AMENDMENT TO SETTLEMENT AGREEMENT ("Amendment") is made and entered into by and between Aurio A. Matos ("Matos") and Lloyd Santiago-Santos and Lourdes Rodriguez-Bonet ("Santiago and Rodriguez") (collectively the "parties") on this 13 day of February 1995.

WHEREAS, the Parties had filed mutually-exclusive applications to construct an FM Station to serve the community of Culebra, Puerto Rico, and

WHEREAS, the Parties did enter into a Settlement Agreement dated March 1, 1994 (the "Settlement Agreement"), proposing grant of the Matos application and voluntary dismissal of the Santiago and Rodriguez application, and

WHEREAS, parties filed an Amendment to Settlement Agreement as part of their Response to Comments of Mass Media Bureau on August 22, 1994 (the "August Settlement Amendment"); and

WHEREAS, the August Settlement Amendment made the Settlement Agreement contingent upon acceptance of amendments to Matos' application filed on February 7, 1994 and May 23, 1994 (the "Matos Amendments"), and

WHEREAS, the parties wish to modify the contingency to make the Settlement Agreement more acceptable to the FCC's Mass Media Bureau counsel;

NOW, THEREFORE, in consideration of the mutual promises and representations set forth below, and intending to be bound thereby, the Parties hereby agree:

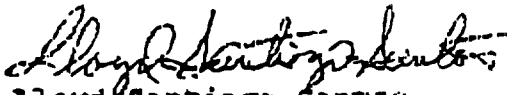
1. Grant of Matos' Application. The Parties amend the

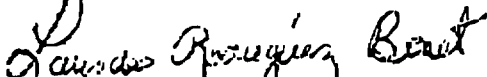
if/when
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Settlement Agreement such that acceptance of the February and May Amendments to Matos' application shall not be a condition precedent to the consummation of the settlement. Instead, the parties agree that the Settlement Agreement shall be contingent upon the grant of Matos' application (ZPH-911114MS) as amended to specify a new site on February 7, 1994, and as further amended on May 23, 1994, to conform to the tower height approved by the Federal Aviation Administration.

3. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment to be in full force and effect as of the date first written above.


Lloyd Santiago-Santos


Lourdes Rodriguez-Bonet


Rufio A. Matos

**LAW OFFICE
P.O. BOX 19917, FERNANDEZ JUNCOS STATION
SANTURCE, PUERTO RICO 00910
TELS. 763-0263 Y 763-6272 FAX 758-3387**

INVOICE

**SR. LLOYD SANTIAGO Y/O
SRA. LOURDES RODRIGUEZ**

BALANCE PENDING PAYMENT:

***For professional services rendered regarding - "Joint Request For
Approval of Settlement Agreement".**

10.5 hrs x \$125.00	\$1,312.50
(Less 20% c.d.)	- 262.50
Fax:	8.00
Massenger:	<u>15.00</u>
SUB-TOTAL	\$1,073.00

CURRENT BALANCE DUE:

**For professional services rendered regarding revision of "Amendment
to Settlement Agreement"**

4.75 x \$125.00	\$ 593.75
(less 20% c.d.)	<u>118.75</u>
	476.00

Fax:	4.75
Messenger:	<u>10.00</u>

Current sub-total	\$ 490.75
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TOTAL DUE	\$1,563.73
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**ISABEL L. RODRIGUEZ BONET
CERTIFY CORRECT**

CERTIFICATE OF SERVICE

I, Melissa L. Clement, do certify that on this 15th day of February, 1995, a copy of the foregoing was sent via first class mail, postage prepaid or delivered, as indicated, to the parties set forth below:

Honorable Joseph A. Marino, Chairman
The Review Board
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554 *

Honorable Marjorie Reed Greene
The Review Board
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554 *

Allan Sacks, Chief of Law
The Review Board
Federal Communications Commission
2000 L Street, N.W.
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Gary Schonman, Esq.
Hearing Branch
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554 *

* - via hand delivery


Melissa L. Clement